

1 **HOFLAND & TOMSHECK**

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9 Attorney for Defendant

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 PHILLIP ALLERSON VAUGHN

16 Defendant

17 } Case No.: 2:15-cr-00078-JAD-NJK

18 } STIPULATION AND ORDER TO
19 } CONTINUE SENTENCING DATE,
20 } (EIGHTH REQUEST)

21 IT IS HEREBY STIPULATED, by and between the UNITED STATES OF
22 AMERICA, by and through Steven Myhre, United States Attorney, Dan Cowhig,
23 Assistant United States Attorney, and Kathryn C. Newman, Assistant United States
24 Attorney, and defendant, PHILLIP ALLERSON VAUGHN, by and through his
25 attorney, Joshua Tomsheck, Esq., of the law firm of Hofland & Tomsheck, that the
sentencing date in the above-captioned matter now scheduled for May 16, 2017
vacated and continued to a date and time convenient to the Court, no sooner than
sixty (60) days beyond the current setting, in order for the Parties to have sufficient
time to prepare for sentencing in this matter.

26 This is the EIGHTH request by the undersigned defense counsel for a
27 continuance of the scheduled sentencing date, is made in good faith and not for the
28 purpose of delay and comports with the good cause requirements of Fed. R. Crim.

- 1 P. 32(b)(2).
- 2 1. Counsel for the Defendant is appointed CJA counsel.
- 3 2. Counsel for the Defendant is concerned that legal issues arising out of
- 4 the decision in USA v Johnson might prejudice the Defendant if the
- 5 case proceeds to sentencing in its current posture.
- 6 3. Counsel for the Defendant is researching these matters and has
- 7 engaged the Government Counsel regarding a potential resolution to
- 8 protect the interests of the Defendant.
- 9 4. Denial of this request for continuance would deny the parties herein
- 10 time and the opportunity to effectively and thoroughly prepare for the
- 11 sentencing hearing, taking into account the exercise of due diligence.
- 12 5. Additionally, denial of this request for continuance could result in a
- 13 miscarriage of justice.
- 14 6. For all of the above-stated reasons, the ends of justice would best be
- 15 served by a continuance of the sentencing date.
- 16

17 **STEVEN MYHRE**
18 United States Attorney

HOFLAND & TOMSHECK

20 /S./ D. Cowhig
21 **DAN COWHIG**
22 Assistant United States Attorney

/S./ J. Tomsheck
JOSHUA TOMSHECK, ESQ
Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

PHILLIP ALLERSON VAUGHN

Defendant

Case No.: 2:15-cr-00078-JAD-NJK

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

The parties have stipulated to continue the sentencing hearing date as presently scheduled.

This Court, being convinced that adequate showing has been made that were this request for continuance to be denied, counsel would not have the necessary time to effectively prepare for the sentencing hearing, taking into account the exercise of due diligence, and a miscarriage of justice could result, based on the following:

1. Counsel for the Defendant is appointed CJA counsel.

2. Counsel for the Defendant is concerned that legal issues arising out of the decision in USA v Johnson might prejudice the Defendant if the case proceeds to sentencing in its current posture.

3. Counsel for the Defendant is researching these matters and has engaged the Government Counsel regarding a potential resolution to protect the interests of the Defendant.

4. Denial of this request for continuance would deny the parties herein time and the opportunity to effectively and thoroughly prepare for the sentencing hearing, taking into account the exercise of due diligence.

1 5. Additionally, denial of this request for continuance could result in a
2 miscarriage of justice.

3 6. For all of the above-stated reasons, the ends of justice would best be
4 served by a continuance of the sentencing date.

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ORDER

IT IS HEREBY ORDERED, that the sentencing hearing currently scheduled for May 16, 2017 be vacated and continued to July 24, 2017 at the hour of 10:30 a.m.

DATED this 15th day of May, 2017.



United States District Court Judge